

FILED

In the United States District Court
For the District of Tennessee
Nashville Division

2012 JUL 26 PM 2:34
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

David E. Chute "Pro Se"
Kathleen P. Chute "Pro Se"
2144 River Road
Clarksville, TN 37040
Plaintiff

DOCKET NO. _____

V.

COMPLAINT

Montgomery County Shooting Complex
Et al : (Owners-Operators)
4201 Southside Road
Southside, TN 37171
Defendant

JURISDICTION

1. This Court has subject matter jurisdiction under 28 U.S.C. 1331
2. This action is commenced pursuant to 42 U.S.C. § 6972(a)(1)(A) and pursuant to 33 U.S.C. § (a)(1)(A).

PARTIES

Parties to this action are;

Plaintiff

Defendant

Kathleen P. Chute "Pro Se"
David E. Chute "Pro Se"
2144 River Road
Clarksville, TN ~~37171~~ 37040

Montgomery County Shooting Complex
Et al: (Owners-Operators)
4201 Southside Road
Southside, TN 37171

COMPLAINT

COMES NOW the Plaintiff(s) Kathleen P. Chute and David E. Chute appearing "Pro Se" and for a complaint against the Defendant(s) the Montgomery County Shooting Complex et- al., states, alleges, and avers as follows.

1. The Plaintiffs Kathleen P. Chute and David E. Chute are citizens of the State of Tennessee and of the United States of America.
2. The Defendant(s) Montgomery County Shooting Complex is owned by the State of Tennessee but is managed by the Tennessee Wildlife Resources Foundation (TWRF) in cooperation with the Tennessee Wildlife Resource Agency (TWRA) and has operated in a continuous state of owning and operating this facility since its inception in and around the year 2002.
3. The Plaintiffs are environmentally involved and concerned citizens living within the State of Tennessee.
4. The Clean Water Act is a 1977 amendment to the Federal Water Pollution Control Act of 1972, enacted by congress which set the basic structure for regulating discharges of pollution in all waters of the United States.
5. Congress went on to state explicitly the purpose of the Clean Water Act was to reduce the pollution in all U.S. waters and to "restore and maintain the chemical, physical, and biological integrity of our nation's waters."

6. Congress also went on to say, this law called for “zero discharge of pollutants into navigable waters by 1985, and fishable and swimmable waters by 1983.

7. Congress also established the Resource Conservation and Recovery Act of 1976. This Act established a “cradle-to-grave regulatory structure for the treatment storage and disposal of solid and hazardous waste. Hazardous wastes are a subset of solid waste. Accordingly, for waste to be classified as hazardous, it must first qualify as a solid waste under the regulatory structure of the Resource Conservation and Recovery Act.

Statement of Facts:

8. The Montgomery County Shooting Complex began with only an idea from a person whose name was Jereme Odom. This person worked for the State of Tennessee as a Game Warden.

In the building of this shooting complex Jereme Odom even though he was a person of the law and should have known better, took upon himself to begin to haul into this area hundreds of pounds of fill to build this Complex. A large portion of this fill consisted of rubber tires which this game warden took once again upon himself to burn these tires day after day. The tire burning was done under the cover of darkness so no one would notice the thick heavy black carcinogenic filled smoke. In doing so, it was against both Federal and state laws (referencing outdoor burning) plus he was also jeopardizing the lives of the innocent people in

the area of the burning of these tires with the heavy black smoke filled with carcinogenic substances which settled into the surrounding countryside. Even though the correct authorities were notified about this they all seemed to look the other way and shun their duties in protecting myself my husband and the public in the year 2012. This was only the beginning. Still pictures and videos of Game Warden Odom burning these tires are attached and made part of this complaint.

9. After a prolonged building process for this facility which included destroying wetland habitat for animals and nesting birds (including migratory waterfowl) within this flood plain and wetlands it was partially completed on or about the year 2006. This facility now consisted of;

1. A 400 yard rifle range with 10 shooting stations
2. A 100 yard rifle range with 42 shooting stations
3. A 25 yard pistol range with
4. A 75 yard shotgun range with 4 shooting stations
- 5 Olympic and American style Skeet & Trap Ranges. With many more concessions to be build in the future this again will be allowing more and more pollutants to enter the surrounding area.

10. After the completion of this facility it was found out that the targets this facility was using and the lead shot the shooters were using

were landing within the area wetlands and waterways. This has completely disfigured the beautiful esthetics of this area that my husband and I enjoyed for many years. The beauty of the surrounding area is now destroyed with the presence of broken targets, lead shot, empty shotgun shells and assorted rubbish have all contributed to the degradation of this area. Pictures of the beauty of this area and then the destruction of this area are attached and made part of this complaint.

Legal Issues:

11. In 1972, Congress enacted the Clean Water Act, (CWA) with the national goal that the discharge of pollutants into the [nation's navigable waters be eliminated]. 33 U.S.C. § 125 (a)(1)(1988) To accomplish this goal the CWA prohibits the unpermitted discharge of all pollutants from a point source into the waters of the United States 33 U.S.C. § 1311(a).

12. The Defendants also took upon themselves to bulldoze the surrounding earth thus reducing the temporary water storage of the floodplain, which will result in washout of solid waste, lead shot that contains arsenic and target debris which contain other carcinogenic chemicals. The direct and proximate cause of these catastrophic results of the destruction of this area to include the shooting of a pollutant(s) into the waters of the United States was began with one man (Jereme Odom). This destruction was done with no permits in hand. This man should have known better as he is an officer of the law sworn to uphold

the Constitution of Tennessee and to protect the citizens of the State of Tennessee from the very unlawful acts he committed while under color.

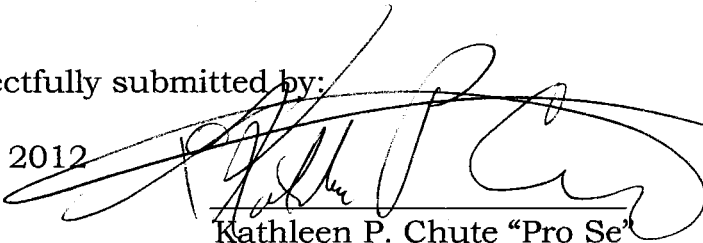
13. Pursuant to the Clean Water Act, the Defendant, Montgomery County Shooting Complex is discharging pollutants into a recognized flood plain and the accompanying wetlands, rivers, and streams without a (NPDES) National Pollution Discharge Elimination Permit .

DEMAND

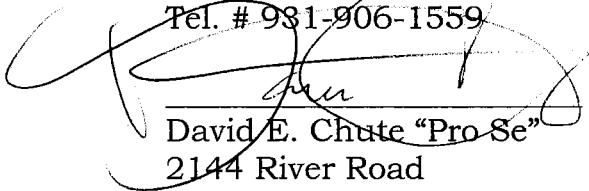
WHEREFORE, the Plaintiffs Kathleen P. and David E. Chute pray that the honorable Court issue an order demanding that the Defendant(s) et al obey the laws of our country and properly apply for a National Pollution Discharge Elimination System permit and until such time as the permit is either issued or denied the Montgomery County Shooting Complex refrains from shooting pollutant(s) into the waters of the United States.

Respectfully submitted by:

Dated: _Wednesday, July 25, 2012



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